



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,690	03/17/2004	Kenneth E. Koch III	46872-269148 CIP	6164
44231	7590	10/31/2006	EXAMINER	
KILPATRICK STOCKTON LLP - 46872 J. STEVEN GARDNER 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/803,690	KOCH, KENNETH E.
	Examiner	Art Unit
	Daniel Pan	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 58-65, 103-107 and 127-136 is/are pending in the application.
- 4a) Of the above claim(s) 1-57, 66-102, 108-126 and 137-146 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 58, 103 and 127 (see also paragraph 2) is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

1. Claims 58-65, 103-107,127-136 remain for examination. Claims 1-57, 66-102
108-126,137-146 have been canceled. The T:D. filed on 08/15/06 has been entered.

Upon further review, the following is in effect.

2. Claims 58-65, 103-107,127-136 are allowable under the pending condition of the
"101" below. None of the prior art of record further teaches, in addition to the original
independent features, the combined detailed features of the instruction register, the first
address register, the second address register and the shod circuit functions of the
Boolean logic unit. Suggestions for correcting claim language have been made to
applicant, but no response has been received.

3. Applicant's arguments and amendments, see Remarks, page 8-10 and newly
proposed claim pages 2-7, filed 08/15/06 by applicant, with respect to the rejection(s) of
claim(s) 58-65, 103-107,127-136 under Saldanha et al. (5,682,519) have been fully
considered and are persuasive. Therefore, the rejection has been withdrawn.
However, upon further consideration, a new ground(s) of rejection is made in view of 35
U.S.C. 101. Since this action includes issuses previously discussed, this is a non-final
action in order to allow applicant a chance to respond.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 58, 103, 127 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The reasons given below.

As to claim 58, considering as a whole, although applicant recites the Boolean logic unit (see line 2), applicant also recites that the Boolean logic unit is operable for performing the short-circuit evaluation of Boolean expression. This is intended use, and not a positive recitation. The focus is not on the step or feature taken to achieve a final result which is useful, concrete, and tangible, but rather the final result achieved which is useful, concrete, and tangible. The fact that the Boolean logic unit operable for performing the logic expression does not necessarily that the logic operation is being formed in the machine. Although claim further recites if the Boolean logic unit is operable for performing the evaluation , then the first address register is a predetermined address register. This is an intended use, not positive recitation of limitation. Any logic unit operable is not a final result which is useful, concrete, and tangible. Suggestion : change the language :"operable" to more definite language.

Although applicant also recites the input/output interfaces to receive and transmit the compiled result, no specific physical connection to other elements of the processor can be found in the claim. Therefore, it is treated as a general arrangement of the parts of the processor. Furthermore, the practical application of the compiled results of Boolean logic evaluation and the "if ...then" conditions is not clear. The useful,

concrete and tangible final result is not found. Claims 103, 127 have the same above cited features with claim 58. Similar analysis to claims 103,127 can be conducted and render the claims non-statutory. For example, claim 103 recites multibit registers comprises an instruction register (see claim 101, last paragraph). However, no physical connection can be found to other elements of the claim. Therefore, it is read as a general arrangement of the part, and does not achieve any useful, concrete and tangible final result. Claim 127 recites host and hybrid processors operable for performing comparisons and register modifications. However, no specific structural elements can be found in the host and hybrid processors. Suggestions : 1) more clear physical connections of the processors and the input and output interfaces, 2) more defined language regarding the "operable" limitation, 3) more defined practical application of the Boolean logic evaluation and the "If...then" conditions are advised to overcome broader interpretation of the claim. A broader interpretation of a claim by USPTO will reduce the possibility that the claim , when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend the claim during the prosecution to better reflect the intended scope of the claim (see Page 9, 101 Interim Guidelines published at uspto.gov)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

